

REMARKS

Applicants appreciate the Examiner's review of the above-identified patent application and respectfully request reconsideration and allowance in view of the above amendments and following remarks. Applicants also appreciate the Examiner granting a telephone interview with Applicants and Applicants' representative, Paul J. Kroon, Jr., Esq. With this amendment, claims 1-7, 10, 11, 14, 15, 18, 19, and 20 have been amended and claim 21 has been added. Accordingly, claims 1-21 are pending.

The Examiner has objected to the drawings. Enclosed are proposed drawings in compliance with 37 C.F.R. § 1.83(a). In particular, FIGS. 2B and 3B have been added which more clearly shows the embodiment described in at least paragraphs [00032] and [00035]. FIGS. 5A and 5B have been added/amended to more clearly show the cam surface of the knob. Applicants submit that all the amendments are fully supported by the original specification. Accordingly, Applicants respectfully submit that the objection to the drawings has been overcome and should be withdrawn.

The Examiner has objected to the specification. In particular, the Examiner states that the disclosure sufficiently describes only a single brake mechanism. Applicants respectfully direct the Examiner's attention to at least paragraphs [00030] and [00032]. Applicants respectfully submit that at least these two paragraphs sufficiently describe a reel having two or more brake mechanisms such that one of ordinary skill in the art would know how to make and use the invention. See MPEP § 2163, which states in relevant part,

An adequate written description of the invention may be shown by any description of sufficient, relevant, identifying characteristics so long as a person skilled in the art would recognize that the inventor had possession of the claimed invention.

What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94. If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating "the description need not be in *ipsis verbis* [i.e., "in the same words"] to be sufficient.") (Emphasis added.)

Applicants respectfully submit that the Examiner's comments with respect to claim 11 are moot in view of the above amendments.

Accordingly, Applicants respectfully submit that the objection to the specification should be withdrawn.

Applicants have also amended the specification in view of the proposed drawing changes. Applicant respectfully submit that no new matter has been added and request entry of the above amendments.

Claims 1-20 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particular point out and distinctly claim is subject that which Applicants regard as the invention. With this amendment, Applicants have amended the claims to clarify their meaning.

With respect to claims 3 and 12, Applicants respectfully traverse the Examiner's conclusion that the limitation "substantially" renders the claims indefinite. In particular, Applicants direct the Examiner's attention to MPEP § 2173.05(D) which states, in relevant part,

The term "substantially" is often used in conjunction with other terms describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation "to substantially increase the efficiency of the compound as to a copper extractant" was indefinite in view of the general guidelines contained in specification. *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation "which produces substantially equal

E and H plane illumination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially equal."

Accordingly, Applicants respectfully submit that the rejection of claims 3 and 12 is improper and should be withdrawn.

Claims 1-3, 7-12 and 14-20 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Bascue, Jr. (U.S. Patent No. 6,732,965, hereinafter referred to as "Bascue"). Applicants respectfully traverse this rejection.

The fishing reel 50 of Bascue includes a drag mechanism and a device 17. The drag mechanism allows a user can set a preset, maximum amount of drag. A device 17 (more specifically, the lever 17b shown in FIG 7) allows the user to release the preset amount of drag by pushing the lever 17b towards the center of the spool 8. See, for example, Column 2, lines 49-52 ("a fly-fishing reel 50 having a device 17 to engage or release a preset amount of drag (may also be described as 'resistance') from a spool 8".) See also, Column 1, lines 12-14 ("The present invention relates to an apparatus and associated method to engage or release a pre-set drag on a fly-fishing reel.")

The stated purpose of Bascue is to facilitate the pulling of line from the fly-fishing reel for casting. See, for example,

Column 4, lines 35-38. The pre-set line resistance makes it difficult to strip the line. See Column 1, lines 16-19. Accordingly, Bascue attempts to solve this problem by providing a fly-fishing reel 50 having a pre-set amount of drag that may be disabled, thereby allowing the spool 8 to spin freely. See Column 1, lines 12-14; Column 2, lines 10-12.

It is important to note, however, that the device 17 of Bascue ONLY allows a user to REDUCE the amount of drag relative to the pre-set amount of drag that the drag mechanism provides. Put another way, once the user sets the pre-set amount of drag on the drag mechanism using the drag preset knob 1, the lever 17b can ONLY reduce the drag. The lever 17b **CANNOT ADD** any additional drag beyond the preset amount of drag.

In contrast, fishing reel according to the present invention allows a user to select a constant amount of static drag and to dynamically ADD a preset amount of additional drag over and above the pre-selected amount of static drag. Applicants respectfully submit that this distinction is important.

The present invention includes a static drag mechanism and a dynamic drag mechanism (see independent claims 1, 11, and 19). The static drag mechanism applies a minimum amount of constant,

static resistance against rotation of the spool. The dynamic drag mechanism, according to the present invention, allows the user to dynamically ADD up to a preset maximum amount of dynamic resistance against rotation of the spool and instantaneously release dynamical resistance. The maximum amount of dynamic resistance is adjusted 'such that the total resistance against rotation of the spool (i.e., the sum of the static resistance and the maximum amount of dynamic resistance) does not exceed a predetermined total, maximum amount of resistance. Applicants respectfully submit that none of the references cited, whether considered alone or in combination, disclose or suggest the ability to set a minimum, static drag, the ability to dynamically add supplementary drag in addition to the static drag, as well as the ability to set a maximum, total drag.

Applicants respectfully submit that having a constant, minimum amount of static drag and the ability to dynamically ADD and release additional drag is important. As discussed in the background section of the present invention, a static drag is useful when fighting fishing because it provides a minimum amount of drag and prevents the reel from overrunning.

When a large fish is hooked, the natural reaction of the fish

is to swim very fast, often rapidly changing direction and speed.

As the fish runs, the spool spins very quickly to release the necessary amount of line (up to a hundred or more yards of line).

Overrunning occurs when the fish suddenly stops, changes direction, or slows down suddenly and the spool is not slowed down. If the reel is allowed to spin freely or with too little resistance (i.e., there is no static drag or not enough static drag), the momentum of the spool combined with the sudden change in direction/speed of the fish results in the spool releasing excess line. This excess line can easily become a tangled mess, often jamming the reel and resulting in the line having to be cut and the fish released.

While fighting the fish, it is often necessary to add additional, dynamic drag in addition to the static drag in an effort to tire the fish more quickly. In the event the fish jumps or surges, it is necessary to instantly release the additional, dynamic drag to prevent breaking the line.

One problem with the Bascue reel is that the user cannot add additional drag above the pre-selected amount of drag set with the drag preset knob 1. As discussed above, the lever 17b only allows a user to REDUCE the amount of drag below the pre-selected amount

of drag to facilitate the stripping of line from the spool. While it is possible for the user to set the pre-selected amount of drag to the maximum amount potentially desired with the drag preset knob 1 and to reduce the amount of drag to the desired, static drag using the lever 17b, this is impractical because the user would have to constantly exert pressure on the lever 17b in order to maintain the desired, constant static drag. As it might be hours or more before a fish bites, having to constantly exert pressure against the lever 17b is difficult (if not impossible), is simply undesirable, and would quickly become unmanageable. Additionally, there is no way that the user of this reel would be able to know how exactly how much drag is being reduced using the lever 17b.

While it is possible to set the drag preset knob 1 to the desired amount of static drag (thus avoiding having to constantly exert force on the lever 17b), this also suffers from several problems. As stated above, the user CANNOT add additional drag using the lever 17b. While it is possible to add additional drag to the reel using one's hand as has been traditionally done (see the Background of the Invention section of the present application), this method requires to the user to place his/her

hand in close proximity to the rapidly spinning reel and is very dangerous. Additionally, this method is problematic because the user can accidentally add too much drag, thus exceeding the strength of the line and resulting in the line breaking or the line may become tangled on the exposed lever.

Accordingly, Applicants respectfully submit that Bascue does not disclose or suggest all the limitations of the present invention. In particular, Applicants respectfully submit that Bascue does not disclose or suggest a constant, static drag, a dynamic drag that allows a user to add additional drag in addition to the static drag, and a mechanism to set the maximum amount of total drag as recited in independent claims 1, 11, and 19. Therefore, Applicants submit that the rejection of claims 1-3, 7-12 and 14-20 under 35 U.S.C. § 102(e) as being anticipated by Bascue is improper and should be withdrawn.

Claims 4 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Bascue in view of Chesterfield et al. (U.S. Patent No. 5,505,396, hereinafter referred to as "Chesterfield"). Applicants respectfully traverse this rejection.

As discussed above, Applicants respectfully submit that Bascue does not disclose or suggest a reel having a constant,

static drag, a dynamic drag that allows a user to add additional drag in addition to the static drag, and a mechanism to set the maximum amount of total drag as recited in independent claims 1, 11, and 19. Applicants respectfully submit that Chesterfield does not disclose or suggest these missing limitations.

Chesterfield discloses a reel having a static drag mechanism only. The Chesterfield reel does not include a dynamic brake mechanism as recited in the pending claims. Accordingly, Chesterfield does not disclose or suggest the elements missing from Bascue.

For at least the reasons discussed above, Applicants respectfully submit that the rejection of claims 4 and 13 in view of Bascue and Chesterfield is improper and should be withdrawn.

Another relevant reference is U.S. Patent No. 3,670,985 to Morishita, hereinafter referred to as "Morishita". The object of Morishita is to provide "an antibacklash means for braking automatically a rotating spool as soon as the fishing line hits the water so as to slack." See Column 1, lines 3-5. Referring specifically to FIGS 1 and 4, Morishita includes a reel having a pair of arcuate levers 1,1 having a brake shoe 2 disposed on one end and a rotatable roller 4 disposed on the other end. To this

end, Morishita discloses a reel at Column 2, lines 11-26, wherein,

the brake shoes 2 are normally urged against the end edges of the rotating plates of the spool 23 to arrest the rotation thereof. When the fishing line 27 passing on the roller 4, as shown by a dotted line 28 in FIG. 3, is pulled down strongly by the flying of sinker [due to casting the rod], the roller 4 is depressed so that the braking member is pivoted about the stem 12 to disengage the brake shoes 2 on the other ends of the brake levers 1 out of the rotating plates of the spool 23. When the line 27 is slacked by the water-hit of the sinker, the brake member is pivoted by the action of the spring 19 in the opposite direction to cause the brake shoes 2 to arrest the rotation of the spool 23. When it is desired to stop further flying of the sinker, the depressing lever 8 may be slightly forced downwardly to contact the braking shoes 2 with the rotating plates of the spool 23 to control the rotation thereof.

Accordingly, the reel disclosed by Morishita does not include a static drag as claimed in the present invention. As explained above, when a large fish is hooked, the natural reaction of the fish is to swim very fast, often rapidly changing direction and speed. As the fish runs, the fish exerts a force against the line 27 thereby causing the spool to spin very quickly to release the necessary amount of line. This force generated by the fish against the line 27 causes the roller 4 to urge the brake shoes 2 away from the rotating plates of the spool 23, thereby disengaging the drag provided by the spring 19 and allowing the spool to rotate freely. While it is possible for the user to provide drag

using the depressing lever 8, this is not equivalent to a static drag since this drag is not constant. Accordingly, Applicants respectfully submit that Morishita does not include both a static and dynamic drag mechanism as claimed in the pending claims.


Additionally, Applicants respectfully submit that Morishita does not disclose or suggest a mechanism to set the maximum amount of total drag as recited in independent claims 1, 11, and 19. For the reasons explained above, Morishita does not disclose or suggest a static drag. Moreover, Morishita does not disclose or suggest, in any way, the ability to limit the amount of drag that can be exerted by the user with the depressing lever 8. Accordingly, Applicants respectfully submit that Morishita does not disclose or suggest a mechanism to set the maximum amount of total drag as recited in independent claims 1, 11, and 19.

Accordingly, Applicants submit that all pending claims are in condition for allowance. Early and favorable action is respectfully requested. The Examiner is invited to telephone the undersigned, Applicant's Attorney of Record, to facilitate advancement of the present application.

Respectfully submitted,

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